

Members:

Rep. Claire Leuck, Chair
Rep. Dennis Heeke
Rep. Rolland Webber
Rep. William Friend
Rep. Jack Lutz
Rep. Michael Smith
Sen. Harold Wheeler, Vice-Chair
Sen. Robert Meeks
Sen. John Waterman
Sen. James Lewis
Sen. Katie Wolf
Sen. Richard Young



WATER RESOURCES STUDY COMMITTEE

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Authority: IC 2-5-25

MEETING MINUTES

Meeting Date: September 16, 1998
Meeting Time: 10:00 A.M.
Meeting Place: State House, 200 W. Washington St., Room 233
Meeting City: Indianapolis, Indiana
Meeting Number: 3

Members Present: Rep. Claire Leuck, Chair; Rep. Rolland Webber; Rep. William Friend; Rep. Jack Lutz; Rep. Michael Smith; Sen. James Lewis; Sen. Katie Wolf; Sen. Richard Young.

Members Absent: Rep. Dennis Heeke; Sen. Harold Wheeler; Sen. Robert Meeks; Sen. John Waterman.

Rep. Leuck, Chair of the Water Resources Study Committee, called the meeting to order at 10:10 a.m.

Clean Water Indiana Program

Christa Jones, Executive Director of the Indiana Association of Soil and Water Conservation Districts, Inc., provided Committee members with two brochures on the Clean Water Indiana Program.¹ Ms. Jones gave the following testimony about the program. It is a cooperative effort of the Indiana Conservation Partnership, which includes Indiana's 92 soil and water conservation districts (SWCDs), the Division of Soil Conservation within the Department of Natural Resources (DNR), the U.S. Department of Agriculture's Natural Resources Conservation Service, and the Purdue University Cooperative Extension Service. The program builds on the successes of the T by 2000 program, which is administered by the DNR. Some of the successes of the T by 2000 program include the following: a 31% drop in the average annual cropland erosion rate since 1987; an estimated two million tons of soil saved over ten years; and a \$5 return on each state \$1 invested.

Ms. Jones explained that the Indiana Conservation Partnership is requesting the following funding: an additional \$10,000 for each SWCD for locally-led conservation programs; \$4 million for local matching grants to plan and implement conservation and water quality protection; and \$2,075,000 to accelerate

¹A copy of these brochures is on file in the Legislative Information Center (LIC), Room 230, State House, Indianapolis, Indiana. The telephone number of the LIC is (317) 232-9856, and the mailing address is 200 W. Washington St., Suite 301, Indianapolis, Indiana 46204-2789.

district capacity building assistance and provide digital mapping tools.

Rep. Friend questioned how the 31% drop in the erosion rate was calculated. Harry Nikides, Director of DNR's Division of Soil Conservation, responded that a scientific erosion formula was used. He added that the formula takes into account the soil on the ground, the slope of the ground, and the type of soil.

In response to a question from Rep. Leuck, Mr. Nikides indicated that all counties are participating in soil conservation activities, although at varying levels due to soil types, soil conditions, and culture.

In response to a question from Rep. Friend, Ms. Jones indicated that the current level of funding for each of the 92 SWCDs is \$13,000 per year.

Ms. Jones provided Committee members with a map from the Indiana Department of Environmental Management (IDEM) showing impaired water bodies in Indiana.² Ms. Jones commented that the water impairment is due mainly to soil erosion.

Ms. Jones provided the following 1996 cost-share estimates, which are based on a survey of needs of the SWCDs: 67 SWCDs needed cost-share money to install ready-to-go conservation practices; 455 landowners needed assistance; 418 public waters were affected by projects; the average cost per SWCD was \$65,992; and the total funding needed to complete projects was \$6,071,275.

Ms. Jones noted that Ohio's state funding to SWCDs is significantly higher than Indiana's. In response to questions from Rep. Leuck and Rep. Lutz, Ms. Jones indicated that she does not know the level of Ohio's per capita funding or whether Ohio's water quality is much better than Indiana's, but she stated she would find out.

Steve Graber, a supervisor for the DeKalb County SWCD, gave the following testimony regarding how the DeKalb County SWCD used the additional \$10,000 appropriated during the last biennium. The SWCD hired a technical person to help with drainage issues. The SWCD also received additional money from the county. With the help of the technical person, the SWCD was able to apply for grants from IDEM and local corporations. The SWCD is working on its seventh project. One completed project consisted of the construction of a wetland filter bed system. In response to a question from Sen. Wolf, Mr. Graber indicated that the filter bed system included only four homes as no additional funding was available. In response to a question from Rep. Leuck, Mr. Graber indicated that the system is functioning well and that the SWCD did not have any problems with IDEM. Mr. Graber added that the SWCD worked with the Indiana Department of Health.

A motion to draft a resolution supporting an appropriation for soil and water conservation was made by Rep. Lewis and seconded. The motion passed by unanimous voice vote.

Discussion of Indiana's Drainage Law

Jeanette Adams, Attorney for the Committee, explained IC 36-9-27.4, which deals with the removal of obstructions in mutual drains and natural surface watercourses. Ms. Adams noted that this provision was enacted in 1996.

Rep. Smith noted that he has not received any constituent complaints about the drainage law.

Gene Bardonner, a citizen from New Palestine, Indiana, described some problems with drains. Mr. Bardonner pointed out that the law does not contain any penalties for subsequent obstructions of drains. He suggested that for private drains, an individual that obstructs another person's drain should help pay the cost of maintenance of the drain and the removal of the obstruction.

Discussion of Revolving Loan Laws in Other States

²This memo is on file in the LIC (See Footnote 1).

Ms. Adams provided Committee members with a memo detailing loan programs available in other states for water related purposes.³

Discussion of Iowa's Law Dealing with the Recording of Drainage Systems

Ms. Adams provided Committee members with a copy of Iowa's law dealing with the recording of drainage systems and explained how the law works.⁴

Rep. Smith stated that he does not know if a state mandatory program is the way to proceed. Rep. Friend added that he thinks that the recording of drainage systems is an excellent practice, but questioned where to draw the line. Sen. Wolf also stated that she thinks it is a good idea, but that it would be difficult to do.

Glenn Pratt, legislative chair of the Sierra Club, testified that non-point source run-off is a major problem. He added that he supports an appropriation to soil and water conservation districts.

Rep. Leuck mentioned that Sen. Wheeler received a letter from a constituent concerning water run-off/ erosion caused by development. In response to questions from Committee members, Mark Thornburg, with the Agriculture Commissioner's Office, explained the common enemy doctrine, which is the prevailing rule of common law in Indiana under which landowners have an unlimited right to fight surface water as they see fit, without liability for harm caused to others. Rep. Friend suggested possibly requiring DNR and IDEM to review development sites to determine whether there is adequate outlet capacity for water so neighbors are not flooded. Ms. Adams indicated that she would look into possible alternative solutions to deal with this issue for the next meeting.

The next meeting was scheduled for October 13, 1998 at 1 p.m. in Room 156-C of the State House.

Rep. Leuck adjourned the meeting at 11:35 a.m.

³This memo is on file in the LIC (See Footnote 1).

⁴This document is on file in the LIC (See Footnote 1).